IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of:

Christophe Gustave   Confirmation No. 6478

Serial No. 10/699,665   Group Art Unit: 2132

Filed: November 4, 2003   Examiner: Herring, Virgil A.

For: DISTRIBUTED AUTHENTICATION
      FRAMEWORK STACK

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

SUBMISSION OF APPELLANT'S BRIEF UNDER 37 C.F.R. §41.37

This brief is in furtherance of the Notice of Appeal, filed in this case on October 9, 2008.

TABLE OF CONTENTS

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. §41.37(c)):

I. REAL PARTY IN INTEREST

The real party in interest in the appeal is:

    _ the party named in the caption of this brief.

    √ the following party:

        ALCATEL

        54, rue La Boetie

        75008 Paris, FRANCE

II. RELATED APPEALS AND INTERFERENCES

With respect to other appeals, interferences or judicial proceedings that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal:

√ there are no related appeals, interferences or judicial proceedings related to, which directly affect or may be directly affected by or have a bearing on the Board's decision in this pending Appeal.

_ these are as follows:

III. STATUS OF CLAIMS

The status of the claims in this application is as follows:

A. Total number of claims in Application

Claims in the application are:

Claims 1, 4-6 and 9, totaling five (5) claims.

B. Status of all the claims:

1. Claims cancelled: Claims 3, 7 and 8-12

2. Claims withdrawn from consideration but not cancelled: none

3. Claims pending: Claims 1, 4-6 and 9

4. Claims allowed: none

5. Claims rejected: Claims 1, 4-6 and 9

C. Claims on Appeal.

The claims on appeal are: Claims 1, 4-6 and 9

IV. STATUS OF AMENDMENTS

The status of amendments filed subsequent to the final rejection is as follows:

Appellant respectfully submits that the amendment filed on October 9, 2008, rewriting claim 9 into independent form, and canceling claims 10-12, is pursuant to the provisions of 37 CFR § 1.116 for removing issues for appeal, and therefore understands the amendment will be entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1 and 9 are the only independent claims in this appeal.

A concise explanation of the subject matter of independent claims 1 and 9 is presented in the following two (2) tables, one table for each claim. Each table presents an element-limitation breakdown of one claim and identifies, according to paragraph numbers in the Specification and/or figure and item numbers in the drawings, disclosed illustrative examples of structure meeting the claim elements and limitations.

Appellant respectfully states that the tables identify only illustrative examples, and do not necessarily identify the only claim breakdown or identify the only portions, or encompass all portions of Appellant's disclosure meeting the table's recited claim elements and limitations. Appellant respectfully states that the tables are not any disclaimer of claim scope or claimable subject matter.

Claim 1	Disclosed Illustrative Example
A method of authenticating end-user clients requiring access to services available in a computer-based communication system, comprising the steps of:	Figs. 1, 3 and 4 show example environments having end-user clients 10, requiring access to computer-based communication systems. Fig. 2 shows a functional block diagram of an example of the claimed method.
(a) at an authentication server connected in said communication	Fig. 1 shows a client 10 and an authentication server 11. Fig. 1 blocks

Claim 1	Disclosed Illustrative Example
system, defining a list of authentication modules available in said communication system, and mapping said authentication modules to authenticating domain identifiers associated to end-user clients of said authentication server, wherein said authenticating domain identifiers each comprise an application service identifier;	13 and 13' show defined authentication modules available to the computer-based communication system. Fig. 1 shows a client 10 and an authentication server 11. Fig. 1 block 50 shows the stored mapping of authentication domain identifiers to authentication modules. The Specification at paragraph [0020] describes the mapping of authentication modules to authentication domain identifiers.
b) sending, by an end-user client, a respective authentication domain identifier to said authentication server;	Fig. 1 shows a client 10 and an authentication server 11. Fig. 2 block 20 shows the end-user client sending a respective authentication domain identifier. The Specification at paragraph 23 describes an example operation of the end-user client sending the respective authentication domain identifier to the server.

Claim 1	Disclosed Illustrative Example
c) creating, by the authentication server and depending on the authentication domain identifier, an authentication stack specific to said end-user client, said stack comprising one or more stack entries, each mapped to a respective authentication module;	Fig. 2 block 21 shows the authentication retrieving a stack configuration using the authentication domain identifier received from block 20. The Specification at paragraph [0020] describes an example of the authentication server building an authentication stack specific using the authentication domain identifier received from, for example Fig. 2, block 20, and the mapping stored at Fig. 1, block 50.
d) rendering, for each stack entry and depending thereon, an authentication service provided at said respective authentication module to produce an authentication result for that entry; and	Fig. 2 at blocks 22, 23, 24, 25, 26, 27, and 28 shows an example of the rendering of an authentication service for authentication module stack entry in the stack, and producing a result collected at block 30. The Specification at paragraphs [0021] – [0023] describes an example of the rendering, for each stack entry, of an authentication service.
e) consolidating authentication results to obtain an authentication status for the end-user client.	Fig. 2 at block 30 shows an example of consolidating authentication results and, at blocks 31, 32 and 33, shows an example of obtaining an authentication status for the end user

Claim 1	Disclosed Illustrative Example
[repeated from previous page] e) consolidating authentication results to obtain an authentication status for the end-user client.	client based on the consolidating. The Specification at paragraph [0021] of the consolidating authentication results to obtain an authentication status.

Claim 4	Disclosed Example
The method as defined in claim 1 wherein the authentication service includes local and remote services.	Fig. 1, blocks 13 and 13' show local authentication services, blocks 14 and 14' show remote authentication services. Fig. 2, blocks 26 and 27 show local and remote authentication services. The Specification at paragraph [0018] describes an example of the authentication services being local and remote.

Claim 5	Disclosed Example
The method as defined in claim 4 wherein the local and remote services include but are not limited to biometric schemes, cryptographic hardware services, smart cards and USB tokens.	The Specification at paragraph [0018] describes an example of the local and remote authentication services including biometric schemes, cryptographic hardware services, smart cards and USB tokens.

Claim 6	Disclosed Example
The method as defined in claim 1 further comprising, sending a unique session identifier to the end-user client responsive to an authentication status corresponding to a successful authentication.	Fig. 2, block 32 shows an example of sending a unique session identifier to the end-user client in response to the authentication status, see Fig. 2 block 31. The Specification at paragraph [0021] describes an example of sending a unique session identifier to the end-user client in response to the authentication status.

Claim 9	Disclosed Illustrative Example
A system for authenticating an end-user client in a computer-based communication system comprising:	Figs. 1-4
means, at the end-user client, for sending an authenticating domain identifier to an authentication server, wherein said authenticating domain identifier comprises an application service identifier;	Fig. 1, block 10, and at Fig. 3, example "NE1 ... NE3" shows an end-user client configured as shown at, for example, Fig. 2, block 20, showing the end-user client sending a respective authentication domain identifier. The Specification at paragraph 23 describes an example operation of the end-user client sending the respective authentication domain identifier to the server.

Claim 9	Disclosed Illustrative Example
means, at the authentication server and depending on the authentication domain identifier, for creating an authentication stack comprising one or more stack entries;	Fig. 1, block 11, and Fig. 3, example "5620 NMS," shows an authentication server configured as shown at, for example, Fig. 2, at block 21 showing the authentication retrieving a stack configuration using the authentication domain identifier received from block 20. The Specification at paragraph [0020] describes an example of the authentication server building an authentication stack specific using the authentication domain identifier received from, for example Fig. 2, block 20, and the mapping stored at Fig. 1, block 50.
means for rendering, for each stack entry and depending thereon, an authentication service to produce an authentication result for that entry; and	Fig. 1, block 11, and Fig. 4, example "5620 NMS" shows an authentication server configured as shown at, for example, Fig. 2 at blocks 22, 23, 24, 25, 26, 27, and 28 shows an example of the rendering of an authentication service for authentication module stack entry in the stack, and producing a result collected at block 30. The Specification at paragraphs [0021] – [0023] describes an example of the rendering, for each stack entry, of an

Claim 9	Disclosed Illustrative Example
	authentication service.
means for consolidating authentication results to obtain an authentication status for the end-user client.	Fig. 1, block 11, and Fig. 4, example "5620 NMS" shows an authentication server configured as shown at, for example, Fig. 2 at block 30, showing an example of consolidating authentication results and, at blocks 31, 32 and 33, showing an example of obtaining an authentication status for the end user client based on the consolidating. The Specification at paragraph [0021] of the consolidating authentication results to obtain an authentication status
wherein the authentication server, dependent on the application ID, retrieves a configuration specifying how to create the authentication stack.	Fig. 2 block 21 shows the authentication retrieving a stack configuration using the authentication domain identifier received from block 20, the configuration specifying how to create the authentication stack. The Specification at paragraph [0020] describes an example of the authentication server building an authentication stack specific using the authentication domain identifier received from, for example Fig. 2, block 20.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are as follows:

1. Claim 1 being rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,017,051 ("*Patrick*"). Final Rejection, at pp. 3-4.

2. Claims 4 and 5 being rejected under 35 U.S.C. § 103(a) as being unpatentable over *Patrick* in view of U.S. Publication No. 2003/0012382 A1 ("*Ferchichi*"). Final Rejection, at pp. 5-6.

3. Claim 6 being rejected under 35 U.S.C. § 103(a) as being unpatentable over *Patrick* in view of U.S. Patent No. 6,587,880 ("*Saigo*"). Final Rejection, at p. 6.

4. Claim 9 being rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ferchichi* in view of U.S. Publication No. 2003/0154373 A1 ("*Shimada*"). Final Rejection, at pp. 6-7.

ARGUMENT VIIA. REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH

There are no rejections under 35 U.S.C. §112, first paragraph.

ARGUMENT VIIB. REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

There are no rejections under 35 U.S.C. §112, second paragraph.

ARGUMENT VIIC. REJECTIONS UNDER 35 U.S.C. § 102

Claim 1 is the only claim in this appeal that stands rejected under 35

U.S.C. § 102.

Appellant respectfully submits the Examiner is in error in rejecting claim

1 under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent No.

7,017,051 ("*Patrick*").

Appellant respectfully submits the Examiner's position is not consistent

with the broadest reasonable meaning of the claim 1 language.

Appellant respectfully submits, in addition, the Examiner's position relies

on *Patrick* as a teaching of claim elements that, after proper interpretation of

the claim language, would not be understood by persons of ordinary skill in the

art as disclosed by that reference.

Claim 1 recites, in combination with other elements:

a) mapping said authentication modules to authenticating
domain identifiers associated to end-user clients of said
authentication server.

b) sending, by an end-user client, a respective
authentication domain identifier to said authentication
server; and

c) creating, by the authentication server and depending on
the authentication domain identifier, an authentication
stack specific to said end-user client, said stack
comprising one or more stack entries, each mapped to a
respective authentication module

Section VIII, Appendix of Claims, claim 1, at lines 4-15.

The specification describes, among other features, that "the present invention provides ... aggregating various kinds of authentication mechanisms ... into a centralized authentication stack." Specification, at paragraph [0025].

Appellant submits that, in examination before the PTO, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification.'" MPEP § 21111, quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)

"This means that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification." MPEP § 2111.01(1), quoting *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); and *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004).

The MPEP guidelines require that "[o]rdinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say." *Id.*, at § 2111.01(I), citing *Chef America v. Lamb-Weston*, 358 F.3d at 1372.

The "plain meaning refers to 'the ordinary and customary meaning of a claim term," which may be evidenced by a variety of sources, including "the words of the claims themselves, [and] the remainder of the specification." MPEP § 2111(III), citing *Phillips v. AWH*, 415 F.3d at 1314, 75 USPQ2d at 1327.

Appellant's claim 1 recites the step of *"mapping said authentication modules to authenticating domain identifiers associated to end-user clients of said authentication server."*

Appellant submits the record does not show the specification specially defines any of the "mapping" step's language, and therefore the broadest reasonable meaning is the plain meaning, i.e., ordinary and customary meaning as evidenced by, for example, the claims themselves and the specification. MPEP § 2111.01(III).

Appellant further submits that a person of ordinary skill in the art is presumed to understand that all instances within claim 1 of *"authentication domain identifier"* have the same meaning. *See Pods, Inc. v. Porta Stor, Inc.,* 484 F.3d 1359 (Fed. Cir. 2007).

Looking at the *"sending"* step, Appellant respectfully submits that applying conventional rules of grammar the recital of *"respective"* means: the *"authentication domain identifier"* is the *"authentication domain identifier"* associated with that *"end user client."*

Looking next at the *"creating"* step, this recites the creating, at the authentication server of *"an authentication stack specific to said end-user client ... of one more stack entries,"* and recites the creating as *"depending on the authentication domain identifier."* Section VIII, Appendix of Claims, claim 1, at lines 12-14. The claim 1 *"creating"* step also recites: *"each [of the stack entries] mapped to a respective authentication module."* *Id.,* at lines 14-15.

Appellant submits that a person of ordinary skill in the art, based on the recital of *"mapped to a respective authentication module,"* will understand the plain meaning of the *"authentication domain identifier"* within the *"creating"* step as being one of the *"authentication domain identifiers"* mapped, in the *"mapping"* step to associate with authentication modules

Appellant therefore respectfully submits, in view of the meaning of the "mapping" and "sending" steps Appellant argues above that, reading the order of the steps of *"mapping," "sending"* and *"creating,"* a person of ordinary skill in the art will clearly understand the claim 1*"creating"* step to mean:

After the claim 1 *"mapping"* step establishes its recited associations between the *"authentication domain identifiers associated to end-user clients"* and the *"authentication modules,"* and *after* the claim 1 *"sending"* step receives an *"authentication domain identifiers"* from an *"end-user client,"* the server creates a stack of the authentication modules, the stack being both *"specific to the end-user client"* and created in a manner *"depending on the [received] authentication domain identifier."*

Appellant respectfully submits the above-submitted meaning is the broadest reasonable meaning of the claim 1 *"mapping," "sending"* and *"creating.*

Turning to *Patrick,* Appellant respectfully submits that, properly interpreting the claim 1 steps of *"mapping," "sending"* and *"creating"* according to their broadest reasonable meanings, *Patrick* lacks all the following elements

of the claim: (i) the "*mapping*" step; (ii) the "*sending*" step; and (iii) the step of "*creating ... an authentication stack.*"

Patrick therefore *cannot* anticipate claim 1, because "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131, quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Examiner's position is that *Patrick* discloses subject matter within the meaning of the claim 1 defined step of "mapping." Final Action, p. 3, citing *Patrick* at col. 2, lines 60-67; col. 3, lines 1-3; and col. 8, lines 39-53. The Examiner's position is "that [*Patrick* at] column 3, lines 1-3 state[s] that 'LoginContext 102 can consult configuration 106 to determine which specific login modules 11—118 to invoke in performing authentication of a subject.'" Final Office Action at p. 2.

The Examiner position goes further, stating that "[t]his [disclosure by Patrick] implies that the configuration 106 stores a previously determined mapping of subjects to required modules." Final Office Action at p. 2

Appellant respectfully submits, with due respect to the Examiner, that the Examiner's position is in error. Appellant submits the Examiner's position is not supported by *Patrick*. Appellant submits the Examiner's position is not consistent with the broadest reasonable interpretation of the claim language.

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Patrick recites at col. 2, lines 6-67 and col. 3, lines 1-3 that "a LoginContext 102 can consult configuration 106 to determine what specific modules to invoke."

However, this recital by *Patrick* does meet the claim 1 elements of "*mapping*," "*sending*" or "*creating*," because *Patrick* discloses *nothing* of its "configuration 106" being constructed based on any "mapping" of associations between anything within the meaning of "*authentication domain identifier*" and anything within the meaning of "*authentication modules*."

In fact, reading *Patrick* in its entirety, *Patrick* discloses *nothing* as to how the "configuration 106" is constructed. Appellant respectfully submits that *Patrick* discloses nothing more than the "configuration 106" being simply a given.

Patrick describes at col. 2, lines 60-67, that "[a]n application invokes the LoginContext's login method to request authentication of a subject" and, "upon successful authentication," that "principals are associated with [the] subject." *Patrick* further describes "principals [being] associated with a subject" at col. 8, lines 39-53 – a section which the Examiner cites as showing the claim 1 "mapping."

However, these disclosures by *Patrick* pertain to various relationships between principals, groups and subjects and, referring back to *Patrick* at col. 2, lines 60-67, these relate to entities associated with an application *after* successful authentication.

Appellant respectfully submits, reading all of the cited sections of *Patrick*, and reading *Patrick* in its entirety, that *Patrick* discloses *nothing* of, and nothing suggesting toward, the configuration 106" being created based on any identifier of the application 100.

Further, *Patrick's* "associat[ions]" at col. 2, lines 60-67, and at col. 8, lines 39-53 – which are the sections the Examiner cites as showing the claim 1 "mapping" - are disclosed by *Patrick* as among subjects (including applications) and principals. *Patrick* does *not* disclose any association between *Patrick's* "subjects" and *Patrick's* modules 110-118.

Further, according to *Patrick* these associations are used only *after* successful authentication. See *Patrick*, at col. 2, lines 60-67, and at col. 8, lines 39-53.

Appellant respectfully submits, for the foregoing reasons, that *Patrick* discloses *nothing* within the broadest reasonable meaning of the claim 1 "*mapping*" step.

Likewise, *Patrick* discloses nothing within the broadest reasonable meaning of the "sending" step; *Patrick* discloses "*applications*" but nowhere describes "*applications*" as having an *identifier*.

Regarding the claim 1 "*creating*" step, the step is defined as depending on the "*authentication domain identifier*" that is received at its "*sending*" step and,

Patrick shows *nothing* within the meaning of the "*mapping*" step and

therefore does not, and cannot disclose or suggest toward the claim 1 step of:

"creating ... an authentication stack."

Appellant, for the foregoing reasons, respectfully requests the rejection of claim 1 be reversed.

ARGUMENT VIID. REJECTIONS UNDER 35 U.S.C. § 103

.1.   Claims 4 and 5

Appellant respectfully submits the Examiner's rejection of claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over *Patrick* U.S. in view of *Patrick* in view of U.S. Publication No. 2003/0012382 A1 ("*Ferchichi*") is in error.

Appellant first submits that claims 4 and 5 depend from claim 1.

Appellant respectfully incorporates by reference and hereby restates, as if set forth here in the entirety, all of Appellant's arguments at Section VIID (2) hereinabove regarding base claim 1 and *Patrick*.

Appellant's dependent claim 4 defines a combination having all elements of base claim 1, with the claim 4 elements combined as recited by the claim.

Likewise, dependent claim 5 depends from claim 4 and, therefore, defines a combination having all elements of its base claim 1 and intervening claim 4, with the claim 5 elements combined as recited by the claim.

The Examiner's position in rejecting dependent claim 4 is that *Ferchichi* discloses remote services. Final Action at p. 5.

The Examiner's position in rejecting dependent claim 5 is that *Ferchichi* discloses assorted local and remote authentication services including biometrics, cryptographic hardware, smart cards and USB tokens. Final Action at pp. 5-6.

Regarding claim 4, Appellant respectfully submits that a prior art disclosure, such as *Ferchichi*, of various assorted local and remote

authentication services does not constitute any disclosure of, or any suggestion toward the claim 1 "mapping" step, or the claim 1 "creating" step.

Regarding claim 5, Appellant respectfully submits that a prior art disclosure, such as *Ferchichi*, of various assorted local and remote authentication services such as biometrics, cryptographic hardware, smart cards and USB tokens does not constitute any disclosure of, or any suggestion toward the claim 1 "mapping" step, or the claim 1 "creating" step.

Appellant further submits that the collected teachings of *Patrick* and *Ferchichi* fail to support any rationale for combining and modifying their respective disclosures to meet claim 6 that is listed under the MPEP § 2141 guidelines for combining and modifying art under *KSR v. Teleflex.*, 127 S.Ct. at 1740.

For example, a rationale of "combining prior art elements according to known methods to yield predictable results," MPEP § 2141(III)(A), cannot be shown, because the collected teachings of *Patrick* and *Ferchichi* lack the "mapping" and "creating" elements of claim 1 and, further, their collection shows nothing of "known methods" for combining what they do not disclose.

As another example, the rationale of "[s]imple substitution of one known element for another to obtain predictable results," MPEP § 2141(III)(B), cannot be shown, because the collected teachings of *Patrick* and *Ferchichi* lack the "mapping" and "creating" elements of claim 1 and, further, this collection has

nothing reasonably sufficient as objective evidence of any simple substitution into one another of the subject matter that they collectively lack.

As another example, the rationale of "[o]bvious to try - choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success," MPEP § 2141(III)(E), cannot be shown, because there is nothing in the collected teachings of *Patrick* or *Ferchichi* showing a "finite number of identified, predictable solutions, with a reasonable expectation of success," in a direction toward claim 1.

Appellant respectfully requests, for the foregoing reasons, that the rejection of claims 4 and 5 be reversed.

2.   Claim 6

Appellant respectfully submits the Examiner is in error in the rejection of claim 6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Patrick* in view of U.S. Patent No. 6,587,880 ("*Saigo*").

Appellant respectfully incorporates by reference and restates, as if set forth here in the entirety, all of Appellant's arguments regarding base claim 1, and the deficiencies of *Patrick*'s disclosure as a reference in relation to the claim.

Appellant's claim 6 depends from claim 1 and, therefore, defines a combination having all elements of its base claim 1, with added subject matter combined as recited at claim 6.

The Examiner's position in rejecting dependent claim 6 is that *"Saigo* discloses transmitting a session identifier to the user upon successful authentication." Final Action at p. 6.

Appellant respectfully submits the Examiner's position regarding claim 6 does not remove the error in rejecting base claim 1. Stated more particularly, a prior art disclosure, such as *Saigo*, of transmitting a session identifies, does nothing to change the deficiency of the primary reference, *Patrick*, of lacking the claim 1 "mapping" step and the claim 1 *"creating"* step.

Appellant further submits that the Examiner's position on *Saigo* identifies nothing as being objective evidence of obviousness of the combination of elements defined by Appellant's base claim 1, or the combination of base claim 1 with the subject matter of claim 6.

Appellant submits that the collected teachings of *Patrick* and *Saigo* fail to support any rationale for combining and modifying their respective disclosures to meet claim 6 that is listed under the MPEP § 2141 guidelines for combining and modifying art under *KSR v. Teleflex.*, 127 S.Ct. at 1740.

For example, a rationale of "combining prior art elements according to known methods to yield predictable results," MPEP § 2141(III)(A), cannot be shown, because the collected teachings of *Patrick* and *Saigo* lack the *"mapping," "sending"* and *"creating"* elements of claim 1 and, further, the collection shows nothing of "known methods" for combining subject matter that the collection lacks.

As another example, the rationale of "[s]imple substitution of one known element for another to obtain predictable results," MPEP § 2141(III)(B), cannot be shown, because the collected teachings of *Patrick* and *Saigo* lack the "mapping" and "creating" elements of claim 1. Further, the collection of *Patrick* and *Saigo* has nothing that is objective evidence of any simple substitution into one another of the subject matter that they collectively lack.

Further as example, the rationale of "[o]bvious to try - choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success," MPEP § 2141(III)(E), cannot be shown, because there is nothing identified by the Examiner in the collected teachings of *Patrick* and *Saigo* showing a "finite number of identified, predictable solutions, with a reasonable expectation of success," in a direction toward claim 1.

Appellant therefore respectfully requests that the rejection of claim 6 be reversed.

C.   Claim 9

Appellant respectfully submits the Examiner's rejection of claim 9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0012382 A1 ("*Ferchichi*") in view of U.S. Publication No. 2003/0154373 A1 ("*Shimada*") is in error.

With respect to the primary reference, *Ferchichi*, the Examiner applies this reference to claim 9 further to the Examiner's stated position in rejecting the now-canceled claim 7 (on which claim 9 was dependent prior to being

amended into the independent form in which it presently stands), as anticipated by *Ferchichi* under 35 U.S.C. § 102(e). *See* Final Action at pp. 4-7.

All of the elements of the now-canceled claim 7 are included in the present claim 9,

Appellant respectfully submits that the Examiner, in the rejection of claim 7, is in error by stating *Ferchichi* discloses, at its paragraphs [0012] – [0015] the claim 9 "*means, at the authentication server and depending on the authentication domain identifier, for creating an authentication stack.*"

The Examiner's statement is not consistent with the broadest reasonable meaning of this element's recited function.

The function of the claim 7 (now claim 9) "*means ... for creating*" element includes: (i) "*at the authentication server ... creating an authentication stack,*" and (ii) the "*creating ... depending on the authentication domain identifier.*" Section VIII, Appendix of Claims, claim 9, at lines 6-8.

Ferchichi shows nothing capable of performing a function within this recited definition.

Regarding part (i), i.e., "at the authentication server," the plain, broadest reasonable meaning of this claim 9 (examined claim 7) language is: *at the authentication server.*

Ferchichi discloses *nothing* within the broadest reasonable meaning of this language. *Ferchichi* does not do *anything* at an authentication server;

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Ferchichi does not have an authentication server. See *Ferchichi* at paragraph [0018].

Regarding part (ii), i.e., the "creating ... depending on the authentication domain identifier," the broadest reasonable meaning of this phrase is that the creating is performed in a manner depending on the authentication domain identifier.

Ferchichi discloses *nothing* within the broadest reasonable meaning of this "creating" language, because *Ferchichi* does not form any stack of anything based on any identifier. *Ferchichi* provides a smart card having the authentication. *See Ferchichi* at paragraphs [0010] through [0020].

Appellant respectfully submits that interpreting *Ferchichi's* smart card as "creating an authentication stack ... depending on the authentication domain identifier" requires interpreting the claim language to include processor forming a stack using its pre-stored "stack" and using itself as an identifier.

Appellant respectfully submits that such an interpretation is beyond the broadest reasonable interpretation of "creating an authentication stack ... depending on the authentication domain identifier."

The examined claim 9 includes the clarifying language of: "*wherein the authentication server, dependent on the application ID, retrieves a configuration specifying how to create the authentication stack.*" Section VIII, Appendix of Claims, claim 9, at lines 13-14.

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In the rejection of claim 9 the Examiner's states that *Shimada* at paragraph [0040] teaches the examined claim 9 recitations. Final Office Action at p. 7.

Appellant respectfully submits that the Examiner's statement is not supported by any subject matter found in *Shimada*'s disclosure – neither at paragraph [0040] or anywhere else in the reference.

Appellant respectfully submits, with all due respect to the Examiner, that upon reading *Shimada*'s paragraph [0040], standing alone and in conjunction with the remaining paragraphs [0001] through [0039] and paragraphs [0041] through [0465] of the reference, Appellant cannot find support for the Examiner's statement.

Appellant submits that the collected teachings of *Ferchichi and Shimada* fail to support any rationale for combining and modifying their respective disclosures to meet claim 6 that is listed under the MPEP § 2141 guidelines for combining and modifying art under *KSR v. Teleflex*, 127 S.Ct. at 1740.

For example, a rationale of "combining prior art elements according to known methods to yield predictable results," MPEP § 2141(III)(A), cannot be shown, because the collected teachings of *Ferchichi and Shimada* lack the "*mapping,*" "*sending*" and "*creating*" elements of claim 1 and, further, the collection shows nothing of "known methods" for combining subject matter that the collection lacks.

As another example, the rationale of "[s]imple substitution of one known element for another to obtain predictable results," MPEP § 2141(III)(B), cannot be shown, because the collected teachings of *Ferchichi and Shimada* lack the "mapping" and "creating" elements of claim 1. Further, the collection of *Ferchichi and Shimada* has nothing that is objective evidence of any simple substitution into one another of the subject matter that they collectively lack.

Further as example, the rationale of "[o]bvious to try - choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success," MPEP § 2141(III)(E), cannot be shown, because there is nothing identified by the Examiner in the collected teachings of *Ferchichi and Shimada* showing a "finite number of identified, predictable solutions, with a reasonable expectation of success," in a direction toward claim 1.

Appellant therefore respectfully requests the rejection of claim 9 be reversed.

ARGUMENT VIIE. REJECTION OTHER THAN 35 U.S.C. §§102, 103 AND 112

There are no rejections under statutes other than 35 U.S.C. § § 102, 1-3 and 112.

VIII. CLAIMS APPENDIX

The text of the claims involved in the appeal is:

1   1. A method of authenticating end-user clients requiring access to services

2   available in a computer-based communication system, comprising the steps

3   of:

4   a) at an authentication server connected in said communication

5   system, defining a list of authentication modules available in said

6   communication system, and mapping said authentication modules to

7   authenticating domain identifiers associated to end-user clients of said

8   authentication server, wherein said authenticating domain identifiers each

9   comprise an application service identifier;

10   b) sending, by an end-user client, a respective authentication domain

11   identifier to said authentication server;

12   c) creating, by the authentication server and depending on the

13   authentication domain identifier, an authentication stack specific to said end-

14   user client, said stack comprising one or more stack entries, each mapped to a

15   respective authentication module;

16   d) rendering, for each stack entry and depending thereon, an

17   authentication service provided at said respective authentication module to

18   produce an authentication result for that entry; and

19   e) consolidating authentication results to obtain an authentication

20   status for the end-user client.

1   4. The method as defined in claim 1 wherein the authentication service

2   includes local and remote services.

1   5. The method as defined in claim 4 wherein the local and remote services

2   include but are not limited to biometric schemes, cryptographic hardware

3   services, smart cards and USB tokens.

1   6. The method as defined in claim 1 further comprising, sending a unique

2   session identifier to the end-user client responsive to an authentication

3   status corresponding to a successful authentication.

1   9. A system for authenticating an end-user client in a computer-based

2   communication system comprising:

3   means, at the end-user client, for sending an authenticating domain

4   identifier to an authentication server, wherein said authenticating domain

5   identifier comprises an application service identifier;

6   means, at the authentication server and depending on the

7   authentication domain identifier, for creating an authentication stack

8   comprising one or more stack entries;

9   means for rendering, for each stack entry and depending thereon, an

10   authentication service to produce an authentication result for that entry; and

11   means for consolidating authentication results to obtain an authentication

12   status for the end-user client

13   wherein the authentication server, dependent on the application ID,

14   retrieves a configuration specifying how to create the authentication stack.
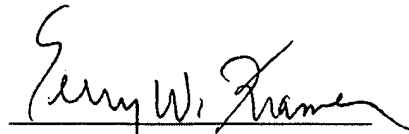
IX. EVIDENCE APPENDIX

There is no additional evidence on which Appellant relies in this Appeal.

X. RELATED PROCEEDINGS APPENDIX

There are no related proceedings involving this application.

Respectfully submitted,

KRAMER & AMADO, P.C.

Date: <u>November 10, 2008</u>

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